

CLOSED

U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:11-cv-02362-SRD-SS

Circle Inc v. U.S. Army Corps of Engineers
Assigned to: Judge Stanwood R. Duval, Jr
Referred to: Magistrate Judge Sally Shushan
Cause: 05:552 Freedom of Information Act

Date Filed: 09/20/2011
Date Terminated: 10/23/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Circle Inc**

represented by **William Lee Kohler**
Gardner &Kewley, APLC
1615 Metairie Rd.
Suite 200
Metairie, LA 70005
504-832-7222
Email: kohler@bayoulaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas A. Kewley
Gardner &Kewley, APLC
1615 Metairie Rd.
Suite 200
Metairie, LA 70005
(504) 832-7222
Email: kewley@bayoulaw.com
ATTORNEY TO BE NOTICED

Thomas Francis Gardner
Gardner &Kewley, APLC
1615 Metairie Rd.
Suite 200
Metairie, LA 70005
(504) 832-7222
Email: gardner@bayoulaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**U.S. Army Corps of Engineers**

represented by **Brock Darren Dupre**
U. S. Attorney's Office (New Orleans)
650 Poydras St.
Suite 1600
New Orleans, LA 70130
504-680-3005
Email: brock.dupre@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/20/2011	<u>1</u>	COMPLAINT against U.S. Army Corps of Engineers (Filing fee \$ 350 receipt number 053L-3197780) filed by Circle Inc. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons)(Kohler, William) Modified on 9/21/2011 (blg). (Entered: 09/20/2011)

09/20/2011	<u>2</u>	Initial Case Assignment to Judge Stanwood R. Duval, Jr and Magistrate Judge Sally Shushan. (cl,) (Entered: 09/20/2011)
09/21/2011	<u>3</u>	Summons Issued as to U.S. Army Corps of Engineers. (Attachments: # <u>1</u> Summons US Attorney General, # <u>2</u> Summons US Attorney EDLA)(blg) (Entered: 09/21/2011)
09/21/2011	<u>4</u>	SUMMONS Returned Executed; U.S. Army Corps of Engineers (through the US Attorney EDLA) served on 9/21/2011, answer due 11/21/2011. (Kohler, William) Modified on 10/3/2011 (blg). (Entered: 09/21/2011)
10/03/2011	<u>5</u>	SUMMONS Returned Executed; U.S. Army Corps of Engineers served on 9/22/2011, answer due 11/21/2011. (Kohler, William) Modified on 10/3/2011 (blg). (Entered: 10/03/2011)
10/06/2011	<u>6</u>	SUMMONS Returned Executed; U.S. Army Corps of Engineers (through the US Attorney General) served on 9/21/2011, answer due 11/21/2011. (Kohler, William) Modified on 10/6/2011 (blg). (Entered: 10/06/2011)
10/21/2011	<u>7</u>	EXPARTE/CONSENT MOTION for Extension of Time to Answer re <u>1</u> Complaint, by U.S. Army Corps of Engineers. (Attachments: # <u>1</u> Proposed Order)(Dupre, Brock) (Entered: 10/21/2011)
10/24/2011	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to Answer re <u>1</u> Complaint, as to U.S. Army Corps of Engineers answer due 11/14/2011. Signed by Judge Stanwood R. Duval, Jr on 10/24/2011. (blg) (Entered: 10/24/2011)
11/14/2011	<u>9</u>	ANSWER to <u>1</u> Complaint, by U.S. Army Corps of Engineers.(Dupre, Brock) (Entered: 11/14/2011)
12/07/2011	<u>10</u>	NOTICE – Scheduling Conference set for 1/24/2012 11:00 AM before courtroom deputy by telephone, by Clerk. (blg) (Entered: 12/07/2011)
01/25/2012	<u>11</u>	SCHEDULING ORDER: Telephone Status Conference set for 6/26/2012 10:30 AM before Judge Stanwood R. Duval Jr. Final Pretrial Conference set for 8/2/2012 09:30 AM before Judge Stanwood R. Duval Jr. Bench Trial set for 8/27/2012 09:00 AM before Judge Stanwood R. Duval Jr. (Attachments: # <u>1</u> Pretrial Notice Form)(blg) (Entered: 01/25/2012)
04/25/2012	<u>12</u>	EXPARTE/CONSENT Joint MOTION to Continue <i>Trial Date</i> by Circle Inc, U.S. Army Corps of Engineers. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Kohler, William) (Entered: 04/25/2012)
04/26/2012	<u>13</u>	ORDER granting <u>12</u> Joint MOTION to Continue <i>Trial Date</i> filed by U.S. Army Corps of Engineers, Circle Inc.; FURTHER ORDERED that the Court shall schedule a preliminary conference for the purpose of selecting a new trial date and entering a new scheduling order. Signed by Judge Stanwood R. Duval, Jr on 4/26/2012.(blg) (Entered: 04/26/2012)
05/03/2012	<u>14</u>	NOTICE: Scheduling Conference set for 5/22/2012 11:00 AM before courtroom deputy by telephone, by Clerk. (blg) (Entered: 05/03/2012)
05/22/2012	<u>15</u>	SCHEDULING ORDER: Telephone Status Conference set for 12/6/2012 10:30 AM before Judge Stanwood R. Duval Jr. Final Pretrial Conference set for 2/5/2013 09:30 AM before Judge Stanwood R. Duval Jr. Jury Trial set for 3/25/2013 09:00 AM before Judge Stanwood R. Duval Jr. (blg) (Additional attachment(s) added on 5/22/2012: # <u>1</u> Pretrial Notice Form) (blg). (Entered: 05/22/2012)
05/22/2012	<u>16</u>	Correction of Docket Entry by Clerk re <u>15</u> Scheduling Order; Pretrial Notice added to Order. (blg) (Entered: 05/22/2012)
05/23/2012	<u>17</u>	AMENDED SCHEDULING ORDER: Telephone Status Conference set for 12/6/2012 10:30 AM before Judge Stanwood R. Duval Jr. Final Pretrial Conference set for 2/5/2013 09:30 AM before Judge Stanwood R. Duval Jr. AMENDED: Bench Trial set for 3/25/2013 09:00 AM before Judge Stanwood R. Duval Jr. (Attachments: # <u>1</u> Pretrial Notice Form)(blg) (Entered: 05/23/2012)
08/03/2012	<u>18</u>	MOTION for Summary Judgment by Circle Inc. Motion set for 8/22/2012 09:30 AM before Judge Stanwood R. Duval Jr.. (Attachments: # <u>1</u> Notice of Submission,

		# <u>2</u> Request for Oral Argument, # <u>3</u> Statement of Contested/Uncontested Facts, # <u>4</u> Memorandum in Support, # <u>5</u> Attachment 1, # <u>6</u> Attachment 2, # <u>7</u> Attachment 3, # <u>8</u> Attachment 4, # <u>9</u> Attachment 5, # <u>10</u> Attachment 6, # <u>11</u> Attachment 7)(Kohler, William) (Attachment 5 replaced on 8/3/2012) (my,). (Attachment 10 replaced on 8/3/2012) (my,). (Entered: 08/03/2012)
08/03/2012	<u>19</u>	Request/Statement of Oral Argument by Circle Inc regarding <u>18</u> MOTION for Summary Judgment . (my,) (Entered: 08/03/2012)
08/03/2012	<u>20</u>	Correction of Docket Entry by Clerk re <u>18</u> MOTION for Summary Judgment . **Filing attorney attached a Request/Statement for Oral Argument to this motion instead of filing it as a separate entry. Clerk took corrective action by separating the request and docketing it as a separate entry. All future requests for oral argument must be filed separately. See rec doc 19. ALSO The title of the attached Notice should reflect Notice of Submission instead of Notice of Hearing on the actual document, pursuant to the Local Rules. ALSO Attachments 5 and 10 on incorrect sized paper. Local Rule 10.1E states 'All papers drafted for filing in this court shall be on 8-1/2 by 11 inch paper. No further action needed.** (my,) (Entered: 08/03/2012)
08/14/2012	<u>21</u>	EXPARTE/CONSENT MOTION to Continue <i>Plaintiff's Motion for Summary Judgment</i> by U.S. Army Corps of Engineers. (Attachments: # <u>1</u> Proposed Order)(Dupre, Brock) (Entered: 08/14/2012)
08/22/2012	<u>22</u>	ORDER GRANTING re <u>21</u> MOTION to Continue <i>Plaintiff's Motion for Summary Judgment</i> filed by U.S. Army Corps of Engineers. <u>18</u> MOTION for Summary Judgment filed by Circle Inc is continued to 10/3/2012 09:30 AM before Judge Stanwood R. Duval Jr. The court will determine after briefing whether the Request for Oral Argument will be granted. Signed by Judge Eldon E. Fallon on 8/21/2012. (swd) (Entered: 08/22/2012)
09/26/2012	<u>23</u>	EXPARTE/CONSENT MOTION to Continue <i>Plaintiff's Motion for Summary Judgment</i> by Circle Inc. (Attachments: # <u>1</u> Proposed Order)(Kohler, William) (Entered: 09/26/2012)
09/27/2012	<u>24</u>	ORDER GRANTING re <u>23</u> MOTION to Continue <i>Plaintiff's Motion for Summary Judgment</i> filed by Circle Inc, <u>18</u> MOTION for Summary Judgment filed by Circle Inc, with Oral Argument Requested, is reset for 10/31/2012 09:30 AM before Judge Stanwood R. Duval Jr. Signed by Judge Stanwood R. Duval, Jr on 9/27/2012. (swd) (Entered: 09/27/2012)
10/22/2012	<u>25</u>	EXPARTE/CONSENT MOTION to Dismiss Case by Circle Inc. (Attachments: # <u>1</u> Proposed Order)(Kohler, William) (Entered: 10/22/2012)
10/23/2012	<u>26</u>	ORDER granting <u>25</u> Motion to Dismiss all claims of Circle, Inc. against the Corps of Engineers in the above-captioned matter are hereby DISMISSED with prejudice, with each party to bear its own costs. Signed by Judge Stanwood R. Duval, Jr on 10/23/2012. (swd) (Entered: 10/23/2012)